

Notice of Allowability

Application No.

10/726,760

Examiner

Thai-Ba Trieu

Applicant(s)

KOERNER, THOMAS

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 12/07/2006.
2. ☒ The allowed claim(s) is/are 1 and 4-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 07, 2006 has been entered.

Applicant's cooperation in amending the claims to overcome the claim objections relating to informalities as well as indefinite claim language is appreciated.

Claim 1 was amended, and claims 2-3 were cancelled.

Applicant's arguments, see pages 8-14, filed on December 07, 2006, with respect to the rejection of claims 1, 3, 6-10, and 15-18 have been fully considered and are persuasive. The rejection of claims 1, 3, 6-10, and 15-18 has been withdrawn.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or renders obvious the claimed combination of a turbocharger and an exhaust manifold system having a turbine housing and the exhaust gas manifold having a branch pipe connecting said turbine housing to at least one piece of the exhaust gas manifold including:

" Regarding claim 1:

a portion of the branch pipe extending into at least a portion of the turbine housing, the connection between the turbine housing and at least the branch

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pipe made of sheet meta, the exhaust gas manifold pieces being in thermal connection with the turbine housing, and the thermal connection being at least partially realized by a sliding connection.

Regarding claim 19:

Including the limitation of claim 1 and further including:

the heat conductive connection is formed between first and second tubular elements by a conically widening portion of one of the tubular elements, followed by a cylindrical portion into which the tubular end of the respective other element being inserted, the conically widened portion having an angle (α) of at most 30° and whereby the inner surface of the cylindrical portion abuts onto the outer surface of the tubular end of said respective other element.

Regarding claim 20:

Including the limitation of claim 1 and further including:

the heat conductive connection a cylindrical portion of one of the tubular elements into which the tubular end of the respective other tubular element being insertable, wherein the inner surface of the cylindrical portion abuts onto the outer surface of the branch pipe. "

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Mercier (US Patent Number 2,423,462) discloses a flexible coupling for exhaust gas conduits of internal combustion engines.

- Ruetz (Pub. Number DE 103 36 978 B3) discloses an exhaust manifold connection tube being fixed on an inner wall and not welded on upstream flange.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB
January 19, 2007


Thai-Ba Trieu
Primary Examiner
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